

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John M. Hess et al. ) PATENT APPLICATION  
Serial No.: 09/196,301 ) SC-140  
Filed: November 19, 1998 ) Group Art Unit: 3752  
For: A DISPENSING STRUCTURE )  
INCORPORATING A VALVE- )  
CONTAINING FITMENT FOR )  
MOUNTING TO A CONTAINER )  
AND A PACKAGE WITH A )  
DISPENSING STRUCTURE )  
Examiner: Not Yet Assigned )

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with Rule 115 of the Rules of Practice,  
applicants hereby amend their above-identified application before  
the first examination and Action as follows:

IN THE SPECIFICATION:

On page 19, in line 4, change "fitment" to --dispensing  
structure--.

IN THE CLAIMS:

Please amend claim 11 as follows:

11. (Amended) The dispensing structure in accordance  
with claim 5 in which

said fitment has a base having a hollow projection that  
defines said dispensing passage and that defines an outer annular



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end; and

said dispensing structure further includes a membrane that is releasably secured across said outer annular end to sealingly occlude the portion of said dispensing passage defined by said base hollow projection.

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REMARKS

The specification has been amended to correct an inadvertent terminology error. This does not constitute new matter. It is clear from the specification and the drawings as originally filed that the reference number 320 refers to the "dispensing structure" which includes a hollow fitment 344 defined by an annular flange 346 and a spout 348 (FIG. 16). Thus, the dispensing structure, in the embodiment illustrated in FIG. 17, can be identically characterized as a unitary fitment. The dispensing structure 320, or the alternatively identified fitment 344, when taken together with the container 322 (FIGS. 17 and 18) together may be characterized as defining a package.

Claim 11 has been amended to make it even more clear with respect to the fitment as including a base with a hollow projection defining a dispensing passage and with an outer annular end. Support for the claim amendment is found in the specification and drawings as originally filed.

Serial No. 09/196,301 - - - - 3

Entry of this Preliminary Amendment before substantive examination of the application is respectfully requested.

Respectfully submitted,

ROCKEY, MILNAMOW & KATZ, LTD.


By

  
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D. C. 20231 on August 20, 1999.

  
Paul M. Odell

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